

### **REMARKS**

This Amendment is submitted in response to the Office Action mailed on October 14, 2008. Claims 1-3 and 5-7 are pending. Claim 1 has been amended. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,354,629 to Kuroda et al. ("*Kuroda*") in view of the Background Section of the present specification ("*Applicant's Background Section*") and further in view of U.S. Pat. No. 4,482,615 to Rosansky et al. ("*Rosansky*"). Of the rejected claims, claim 1 is the only independent claim. Applicant respectfully disagrees with the rejection for the reasons set forth below.

Claim 1, as amended, recites an anode tab that is attached "with a crimped mechanical connection" to a first side of said anode. (*See* page 3, lines 10-12 of Applicant's specification). The anode tabs in *Kuroda* are attached to the respective anodes with tape and not with a crimped mechanical connection. For example, *Kuroda* discloses that "[a] rectangular anode terminal tab 2 is connected to the anode 1 by tape 3 on both sides." *See* col. 3, lines 36-37. As other examples, *Kuroda* discloses that "33 is tape holding the anode terminal tab 32 on the anode 31" (col. 4, lines 3-4), that "[t]he anode terminal tab 42 is held in connection with the anode 41 by tape 43" (col. 4, lines 34-35), that "63 is tape holding the anode terminal tab 62 on the anode 61"

(col. 4, lines 52-53), “[t]he anode terminal tab 72 is connected to the anode 72 by covering it with sticky tape 10 (made of polyethylene-terephthalate)” (col. 6, lines 8-10), and “a Ni anode terminal tab 132 is taped to the lithium sheet with glass tape” (col. 8, lines 25-26). *Applicant’s Background Section* and *Rosansky* fail to cure this deficiency of *Kuroda*.

Because there are unresolved differences between the combined disclosures of *Kuroda*, *Applicant’s Background Section*, and *Rosansky* and the subject matter of Applicant’s independent claim 1. Accordingly, the Examiner has failed to satisfy the *Graham* factual inquiries necessary to establish a *prima facie* case of obviousness. For this reason alone, Applicant requests that the Examiner withdraw the rejection of independent claim 1.

Because claims 2, 3 and 5-7 depend from independent claim 1, Applicant submits these dependent claims are also patentable for at least the same reasons discussed above. Furthermore, these dependent claims recite unique combinations of elements not disclosed or suggested by the combination of *Kuroda*, Applicant’s Background Section, and *Rosansky*.

### **Conclusion**

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks and amendments, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicant does not believe any fees are due in connection with filing this communication. If, however, additional fees are necessary as a result of this communication, the Commissioner is

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hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,  
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